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December 9, 2020

VIA ECF AND ELECTRONIC MAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408
bernstein.chambers@nusb.uscourts.gov

RE: *Picard v. Kuntzman Family LLC*, Adv. Pro. No. 10-04752; Defendants' December 2, 2020 Notice of Presentment of an Order Granting Application to Withdraw as Counsel

Dear Judge Bernstein,

We are counsel to Irving H. Picard, as trustee ("Trustee") for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.* and the estate of Bernard L. Madoff. We write in response to Defendants' December 2, 2020 Notice of Presentment of an Order Granting Application to Withdraw as Counsel (the "Notice"). [ECF No. 100]

We write to advise the Court that the Notice does not include any statement regarding Your Honor's instruction that Ms. Judith Gattegno, a named Defendant and member of the Kuntzman Family LLC, appear by telephone at the December 16, 2020 hearing. At the December 1, 2020 hearing, Your Honor adjourned the hearing until December 16, 2020 to ensure that Ms. Gattegno would appear before the Court and that she understands that if Chaitman LLP is permitted to withdraw as counsel, the Kuntzman Family LLC may not proceed in this case without an attorney.

In addition, out of an abundance of caution and to the extent that the Notice imposes any obligation on the Trustee to provide another written objection, the Trustee incorporates by reference herein his Objection to Chaitman LLP's Application to Withdraw as Counsel and Cross-Motion to Strike Defendants' Answer and Declaration in Support [ECF Nos. 95 and 96].

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The Trustee will appear at the December 16, 2020 hearing as ordered by the Court.

Respectfully submitted,

/s/ Marie L. Carlisle

Marie L. Carlisle
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cc: Helen Davis Chaitman (hchaitman@chaitmanllp.com)

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